

PROPOSED COUNCIL STUDY ISSUE

For Calendar Year: 2005New Previous Year (below line/defer) X Issue: Places of Assembly located within Industrial and Commercial ZonesLead Department: Community Development DepartmentGeneral Plan Element or Sub-Element: Land Use and Transportation Element

1. What are the key elements of the issue? What precipitated it?

The key element is balancing the need of providing opportunity for social uses and maintaining a healthy business climate. Due to the recent economic downturn, the value of industrial land has decreased below that of commercial and industrial uses thus allowing non-traditional uses (churches, temples, day care, recreation, service organizations, lodge halls etc.) the opportunity to operate in locations that historically have not been economically feasible.

Two categories of Places of Assembly are defined within Title 19 of the SMC. One is Places of Assembly – business serving and the other is Places of Assembly – community serving. Places of Assembly – business serving can be considered in the Moffett Park Specific Plan with a Special Development Permit, but community serving Places of Assembly are prohibited. Under the current Zoning Code, “lodge halls and fraternal and social associations” can be considered with a Use Permit in most Commercial Zoning Districts in the City. The code does not address places of assembly for industrial zones. In the past, these applications have been considered on a case by case basis through a Use Permit.

Principal issues germane to each application include consumption of space intended for business development, potential exposure of newcomers to hazardous materials and processes, availability of other sites, and limitations on existing industrial user's ability to expand or relocate. In addition, federal legislation, *Religious Land Use and Institutionalized Persons Act 2000*, may have implications on the regulation of places of assembly that are not addressed by the SMC.

Council ranked this item 13 of 17 for 2004 which fell below the line.

2. How does this relate to the General Plan or existing City Policy?

The city evaluates projects on a case by case basis and makes findings that a

project is or is not supported by the General Plan taking into account the desires of the applicant and the City's need to balance competing interests.

Land Use and Transportation Element

GOAL C4 Sustain a strong local economy that contributes fiscal support for desired city services and provides a mix of jobs and commercial opportunities.

Policy C4.3 Consider the needs of business as well as residents when making land use and transportation decisions.

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

N1.1.1 Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

N1.1.4 Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.

Policy N1.6 Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.

Policy N1.14 Support the provision of a full spectrum of public and quasi-public services that are appropriately located.

Socio Economic Element

Policy 5.1H.11 Encourage the adequate provision of social services to Sunnyvale residents.

Legislative Management Sub Element

Policy 7.3B.3 Prepare and update ordinances to reflect current community issues and concerns in compliance with State and Federal laws.

3. Origin of issue:

Council Member(s): _____

General Plan: _____

City Staff: _____ Staff

Board or Commission (identify name of the advisory body from the list below): _____
Planning Commission

(Arts, Building of Code Appeals, BPAC, Child Care, Heritage, Housing and Human Services, Library, Parks and Recreation, Personnel and Planning)

Planning Commission ranked this study issue 3T of 12 for 2005.

Board or Commission ranking comments:

Explain below what the additional funding will be used for:

8. Potential fiscal impact to implement recommendations in the Study approved by Council, if any:

Mark a range for the items below:	\$500 or none	\$50K or less	\$51K - \$100K	\$101K - \$500K	\$501K or more
Capital expenditure range	X				
Operating expenditure range	X				
New revenues/savings range	X				

9. Staff Recommendation for this calendar year:

“For” Study X Explain:

Title 19 does not fully address the issue and there is a relatively high demand for the use of vacant industrial space by non-traditional users. Staff continues to receive requests from the public to occupy industrial spaces with non-industrial uses. Other local cities have been challenged on decisions to both permit and deny the use of industrial land for places of assembly. Completing this study would give the community more guidance as to the future of industrial areas and appropriate locations for Places of Assembly.

“Against” Study ____ Explain. If staff suggests that this study should not be considered again in the future or deferred at this time, please include this in your explanation:

No Recommendation ____

Note: If staff's recommendation is “for study” or “against study”, the Director should note the relative importance of this Study to other major projects that the department is currently working on or that are soon to begin, and the impact on existing

services/priorities.

Reviewed by

Department Director

Date

Approved by

City Manager

Date